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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 NICHOLAS JOHN CENCICH,  
8 Plaintiff,

9 v.

10 GARY R. TABOR, JANE DOE  
TABOR, JON TUNHEIM, and  
JANE DOE TUNHEIM,

11 Defendants.

NO: 4:17-CV-0124-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE, CEASE COLLECTION  
OF FILING FEE

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13 BEFORE THE COURT are the Magistrate Judge's Report and  
14 Recommendation to Dismiss Complaint without Prejudice and to Direct that  
15 Collection of the Filing Fee Cease (ECF No. 16), and Plaintiff's Motion to  
16 Voluntarily Dismiss Complaint and Waive Collection of Filing Fee (ECF No. 15).  
17 Defendants have not been served, Plaintiff seeks the relief requested and there being  
18 no reason to delay.

19 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 20 1. The Report and Recommendation (ECF No. 16) is **GRANTED**.

1 2. Plaintiff's Motion to Voluntarily Dismiss Complaint and Waive Collection of  
2 Filing Fee (ECF No. 15) is **GRANTED**. All claims in this action are  
3 **DISMISSED without prejudice**.

4 3. The institution having custody of Plaintiff shall **CEASE COLLECTION** of  
5 any remaining filing fee for this action.

6 The District Court Executive is directed to enter this Order, furnish copies to  
7 the Plaintiff and to the Department of Corrections, Attn: LFO/COS UNIT, P.O. Box  
8 41107, Olympia, WA 98504-1107, and the institution having custody of Plaintiff,  
9 the Airway Heights Corrections Center, P.O. Box 2049, Airway Heights, WA  
10 99001-2049, and **CLOSE** the file.

11 **DATED** October 11, 2017.



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*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge